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DISTRICT OF WYOMING
CHEYENNE

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CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

THE ESTATES OF DEBORAH MARIE
TOBIN, and ALYSSA ANN TOBIN,
Deceased by TIMOTHY JOHN TOBIN,
Personal Representative; and THE
ESTATES OF DONALD JACK SCHELL,
and RITA CHARLOTTE SCHELL,
Deceased, by NEVA KAY HARDY,
Personal Representative,

Plaintiffs,

vs.

SMITHKLINE BEECHAM
PHARMACEUTICALS,

Defendant.


Civil No. 00-CV-025BE

ORDER VACATING JUDGMENT


Plaintiffs and Defendant, having moved jointly pursuant to Rule 60(b)(5), Federal Rules of Civil Procedure, and/or any other applicable rule or law, to vacate the judgment herein dated June 6, 2001, extraordinary circumstances having been described to justify the vacation of said judgment, and good cause otherwise appearing herefor,

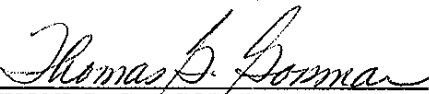
IT IS HEREBY ORDERED that the judgment herein dated June 6, 2001, be and hereby is vacated for all purposes.

Dated: 22nd January 2002.


WILLIAM C. BEAMAN,
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

APPROVED AS TO FORM:

BY: 
JAMES E. FITZGERALD
Attorney for Plaintiffs

BY: 
THOMAS G. GORMAN
Attorney for Defendant

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**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

TIMOTHY JOHN TOBIN, Personal
Representative of the Estates of Alyssa
Ann Tobin and Deborah Marie Tobin,
deceased; NEVA KAY HARDY, Personal
Representative of the Estates of Donald
Jack Schell and Rita Charlotte Schell,
Deceased,

Plaintiffs - Appellees,

v.

SMITHKLINE BEECHAM
PHARMACEUTICALS,

Defendant - Appellant,

PRODUCT LIABILITY ADVISORY
COUNCIL, INC.,

Amicus Curiae.

No. 01-8073
(D.C. No. 00-CIV-25-B)

MJL JAN 16 2002

AMENDED ORDER

Filed January 16, 2002

In order to correct a clerical error, the order of January 15, 2002 is reissued *nunc pro tunc* as follows,

In accordance with Rule 33.1, Rules of the Tenth Circuit, and upon consideration of the joint motion of the parties to voluntarily dismiss this appeal,

IT IS ORDERED that the above appeal be and it hereby is dismissed pursuant to Rule 42(b), Federal Rules of Appellate Procedure. Each party shall bear its own costs. A certified copy of this order shall stand as and for the mandate of the court.

In the event that the district court does not implement the settlement reached by the parties, the court will reinstate this appeal upon motion made by the appellant within 30 days of the order of the district court denying implementation of the settlement.

Entered for the Court

PATRICK FISHER, Clerk

by:


Deputy Clerk